Recommended Investigation Process For Allegations Received through the TWU Ethics and Compliance Hotline

Last Updated: April 26, 2018

Recommended Investigation Process

Note: While this process is recommended, not required, there is one required element. See below, "After the Investigation: Required."

Glossary

Complainant. Individual who reports an alleged violation of law, regulation, standard, or policy to the TWU Office of Compliance via the hotline. This person may be anonymous or may choose to identify themselves.

Compliance Partner. Individual who has division/department level oversight responsibility over the development, maintenance, review, and implementation of a subject-specific compliance program or multiple compliance programs.

Hotline. The online, fax, email, and/or toll-free phone number that employees, students, or other persons can use to report alleged wrongdoing to the Office of Compliance. Potential reports may include, but are not limited to, financial impropriety, misuse of TWU resources, conflicts of interest, discrimination, harassment, health and safety issues, and information security violations.

Background

It is standard practice at TWU for the university to respond to hotline reports or other indications of alleged non-compliance by conducting a prompt and thorough investigation of the allegation. The purpose of this investigation is to determine whether or not a violation of the law or of university standards, policies or procedures has occurred. Compliance investigations may include allegations of abuse or neglect made against an employee, alleged fraud or abuse of university resources, or violations of TWU ethics standards or other policies.

Purpose

This document has three purposes:

1) To provide guidance for personnel who may be required to conduct an investigation when conducting investigations is a responsibility, but not a primary responsibility.
2) To give staff, faculty, and students a general overview of the recommended investigative process that TWU investigators follow with reports that come through the hotline.
3) To provide staff, faculty, and students who may be the subject of a compliance-related investigation with basic expectations of what will occur during said investigation.

NOTE: When this investigative process, including timelines, conflicts with TWU Policy 5.23 Faculty Standards of Conduct/Corrective Action, the faculty policy will be applicable except in cases of criminal and/or discriminatory conduct.

The Investigator

The primary investigator is the relevant compliance partner or their designee. If the investigation in question requires subject-matter expertise not possessed by the compliance partner, the Office of Compliance may take the case and hire an outside investigator.

Duties of an Investigator

The designated investigator is responsible for ensuring that all internal investigations involving compliance related issues are as thorough and balanced as humanly possible under the circumstances. They are also responsible for ensuring the matter in question is resolved appropriately per university policy.

The Investigative Process

TWU will make a good faith effort to ensure that all investigations are begun quickly and completed in a timely manner.

Before Starting the Investigation

Initially, depending on the classification of the alleged , the investigator should contact Human Resources (Staff/Faculty), Civility & Community Standards (Student Life), or Department of Public Safety (Criminal Issues) to determine whether or not it is university policy that the employee who is the subject of an investigation be placed on administrative leave or, if a student, to be suspended. This may be required due to a regulatory requirement or because of a TWU standard practice—*not* for punishment. This also may be required in order to allow the university to conduct an unbiased investigation and ensure that everyone involved is adequately safeguarded.

Initial Briefing for Complainants Who Report a Concern

When a complainant reports a concern and chooses to reveal his/her identity, he/she shall be given basic information about the investigation process. From the start, it is important that the complainant be told that specific details about the investigation should not be shared for a couple of reasons. First, it may jeopardize the integrity of the investigation. Second, the university is required to comply with several privacy regulations. This prevents the sharing of almost all investigative details.

As a general rule, the university should do everything possible to protect the confidentiality of everyone involved in the investigation. As another general rule, results of an investigation are not shared with a complainant who reports a concern unless there is a legal or regulatory requirement that specifies the complainant has a need to know.

Beginning the Investigative Process: The Complainant (If Known)

- ☐ If this is not an anonymous complaint, the investigator should contact the complainant as soon as possible to schedule a time to meet.

- ☐ This meeting should be used to gather the facts of the case, to include any and all physical evidence that supports the allegation.
- ☐ After this initial meeting with the investigator, the complainant may be asked to prepare a written statement that describes his/her concerns.

Beginning the Investigative Process: Employees/Students Who Are the Subject of an Investigation

- ☐ An investigator should contact the staff, faculty, or student as soon as possible to schedule a time to meet.
- ☐ This meeting should be used to gather the facts of the case, to include any and all physical evidence that refutes the allegation.
- ☐ After meeting with the investigator, the staff, faculty, or student may be asked to prepare a written statement and respond to the allegations.

The Investigative Process

Each investigation is unique and often the process can take several days, even weeks, to complete. Investigators should make a good faith effort to conduct a thorough, balanced investigation in the shortest timeframe possible.

<u>General rules of investigations:</u>

1. In order to protect the integrity of the investigation, the subject of an investigation is strongly discouraged to <u>not</u> have contact with other staff, faculty or students who are involved.
2. Staff, faculty, or students are strongly advised to not discuss the incident or investigation with each other. *It is essential that supervisors do everything in their power to emphasize this guideline.*
3. If at any time staff, faculty, or students have concerns or questions about the process, they should contact the Office of Compliance, x813249.
4. It is recommended that the investigator create an electronic folder on the TWU X: drive so that it will be backed up regularly. All evidence including statements, pictures, documents, screenshots, etc. should be marked with the date it was received, who provided it, and who received it and stored in this folder. All emails should be converted to pdf and stored in this folder.

Concluding an Investigation

- ☐ Once the investigator completes the investigation, she/he should formulate findings of fact and conclusions as to what occurred and, if applicable, create a list of recommendations.
- ☐ If the investigation was conducted by a designee, the investigator should then present this information to the compliance partner, dean, or other appropriate senior leader.
- ☐ If necessary, the compliance partner, dean, or other appropriate senior leader may ask the investigator questions.
- ☐ The compliance partner should thoroughly review all the information presented. *Note*: Staff, faculty, and students can be assured that

investigators and their leaders will look at the whole picture of the incident and investigation findings.

- ☐ The compliance partner should then issue a finding in which the incident is one of the following:
  a. Substantiated (i.e., there is evidence to support abuse/neglect or non-compliance)
  b. Unsubstantiated (i.e., there is evidence to deny or refute the complaint)
- ☐ Senior leadership may either accept the investigator's finding or request the investigation continue until a more satisfactory finding is reached.
- ☐ The compliance partner and, when necessary, senior leadership in consultation with HR or other TWU authorities should then determine the required follow up to the incident including, if appropriate, issue sanctions.
- ☐ The subject of an investigation should be contacted by the compliance partner or HR with further instructions after a final determination has been made.

After the Investigation

Depending on the situation, the results of an investigation may be discussed with the staff, faculty, or student after a final determination has been made. However, for privacy reasons, investigatory reports and witness statements are not shared with the subject of an investigation. This is standard practice and protects the confidentiality of everyone involved in the investigation.

The results of the investigation should only be placed in a staff, faculty, or student's personnel/student file by the appropriate division vice president if their actions warranted sanctions.

After the Investigation – Required for Complaints that Came through the hotline

Please contact the Office of Compliance and provide them with the following information:

a. Depending on the outcome, provide i or ii below:
   i. Investigation was closed. The complaint was investigated and appropriately resolved.
   ii. Investigation was closed, but due to insufficient information the case could not move forward.
b. If closed and adjudicated (i), provide the Office with a summary of action taken (a narrative with no names).
c. If a report was created (reports are required for "medium" and above impact), please indicate the report location.
d. Is any additional follow-up required? If yes, briefly describe.

If Leave was Required

Administrative leave is usually not required, but may occur in certain cases. For example, there are exceptions based on departmental operating procedures in the

Department of Public Safety. It is the policy of TWU that any authorized leave is paid.

Additional TWU Resources

Trained investigators are available on campus at through the offices of Human Resources and Civility & Community Standards. Please do not hesitate to reach out to either of these departments if you need additional mentoring or guidance on conducting a professional investigation.

Version History
Version 1.0, Approved 9-17-16 by the Office of Compliance
Version 1.0a, Approved 4-26-18 by the Office of Compliance; updated TWU logos and style